

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 677 of 2005

Jabalpur, this the 26th day of July, 2005

Hon'ble Shri Madan Mohan, Judicial Member

N.C. Chopra & Ors. Applicants

(By Advocate – Shri M. Saini)

V e r s u s

Union of India & Ors. Respondents

ORDER (Oral)

Heard the learned counsel for the applicants.

2. By filing this Original Application the applicants have claimed the following main reliefs :

“8.1 to quash the orders dated 13.7.2005 (Annexure A-4) and dated 18.7.2005 (Annexure A-5) and orders (if any) of transfers relating to the applicants No. 2 & 3,

8.2 to quash the alert Notices dated 22.2.2005 (relating to the applicant No. 1) and any other alert notices (relating to the applicants Nos. 2 & 3),

8.3 to hold that the action of the respondents is against the very basis of transfer and is discriminatory in nature, hence is required to be set aside.”

3. The brief facts of the case are that, the application is being made against the arbitrary, discriminatory and malafide approach of the respondents in proposing to transfer the applicants against the very basis/criteria i.e. station seniority, over looking the genuine reasons put-forth by the applicants. The criteria of transferring those employees who have put in 30 years of service at the same station itself is not sustainable as the employees who have already put in maximum period of their service career at the same station are unable to cope with two



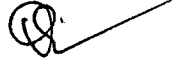
establishments. Moreover there are 18 establishments working under the same authority at Jabalpur and if at all transfers are required to be made they can be done at Jabalpur itself, which will save lakhs of rupees to be expended from the public exchequer. The learned counsel for the applicants has drawn my attention towards Annexure A-6 in which names of 10 persons are mentioned who are senior to the applicants in comparison to the applicants. But they are not transferred. The applicant No. 1 Shri N.C. Chopra moved representation dated 24.7.2005 (Annexure A-7), applicant No. 2 Shri S.K. Das moved representation dated 25.7.2005 (Annexure A-8) and applicant No. 3 Shri R.K. Dixit moved representation dated 25.7.2005 (Annexure A-9). These representations are still pending with the respondents for consideration. The learned counsel for the applicants requested that he will feel satisfied if directions are given to the respondent No. 2 to consider and dispose of the said representations of the applicants and till the said representations of the applicants are decided, they be not disturbed from the present place of posting.

4. Accordingly, I feel that ends of justice would be met if I direct the respondent No. 2 i.e. the Controller of Defence Accounts, Jabalpur to consider and decide the said representations of the applicants dated 24.7.2005 (Annexure A-7), 25.7.2005 (Annexure A-8) and 25.7.2005 (Annexure A-9), within a period of one month from the date of receipt of a copy of this order by passing a speaking, detailed and reasoned order. I do so accordingly. Till the said representations of the applicants are decided by the respondent No. 2, they be not disturbed from the present place of posting. The learned counsel for the applicants is directed to send a copy of this order as well as the copy of the petition to the respondent No. 2 immediately.

5. In view of the aforesaid, the Original Application stands disposed of at the admission stage itself.



6. The Registry is directed to supply the copy of memo of parties to the concerned parties while issuing the certified copies of this order.



(Madan Mohan)
Judicial Member

“SA”

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अन्वेषित:-

- (1) सचिव, उच्च न्यायालय द्वार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/शु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/शु.....के काउंसल
- (4) ग्रंथपाल, को.प्र.अ., जबलपुर न्यायापीठ
सूचना एवं आवश्यक कार्यवाही हेतु

Shri Ch. Saini H.C. J.B.P.

Issued
26.7.05

50/1000
उप निदेश